

NOT FOR CITATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

SCOTT STEARNS, ) No. C 05-2443 JF (PR)  
Plaintiff, )  
vs. ) **ORDER OF DISMISSAL**  
J.S. WOODFORD, et al., )  
Defendants. )

On September 30, 2008, the Court granted Defendants' motion to dismiss, and gave Plaintiff leave to amend certain claims within thirty days. Plaintiff was cautioned that his failure to file a timely amended complaint curing the deficiencies in such claims would result in the dismissal of this action. Plaintiff has not filed an amended complaint or otherwise responded to the Court's order. Accordingly, the instant matter is hereby DISMISSED. See WMX Technologies, Inc. v. Miller, 104 F.3d 1135, 1136 (9th Cir. 1997) (further order of dismissal is required following failure to amend).

## IT IS SO ORDERED.

DATED: 11/13/08

  
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**JEREMY FOGEL**  
United States District Judge